

§ 2202.14 Payments, expenses, reimbursement, entertainment, etc., from non-Government sources.

(a) In general, Decision B-1285727 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other expenses from private sources by an employee on official business or agency orders. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from nonprofit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; provided, that an employee may not, without the written permission of the Chairman (except as allowed by § 2202.16(a)(6)), accept from nongovernmental sources any payments, expenses, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such time as OSHRC pays any expenses incident thereto in whole or in part. Such authorization may not be granted where prohibited by law or Decision B-128527 of the Comptroller General and may only be granted if acceptance of the contribution, award, or payment:

(1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner;

(2) Would not compromise the honesty and integrity of the Government programs or of Government employees and their official actions or decisions;

(3) Would be compatible with the Code of Ethics of Government Service expressed in House Concurrent Resolution 175, 85th Congress, second session;

(4) Would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case, and

(5) If the contribution, award, or payment is not a reward for services to the organization prior to the training or meeting.

Authorization shall be limited to receipt of bona fide reimbursement for actual expenses of travel and other necessary subsistence for which no

Government payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 2202.15 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, etc.

§ 2202.16 Permissible gifts.

(a) The prohibitions in this subpart do not preclude:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civil organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance, without permission, of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or training

situations in which the employee is properly in attendance.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of OSHRC and to observe the other standards of conduct set forth in subpart B of this part.

Subpart E—Statements of Employment and Financial Interests

§ 2202.17 Regular employees required to submit statements.

(a) The following regular employees are required to submit to the Chairman statements of employment and financial interests on forms approved by the Chairman and furnished to the employees. Such forms must be completed in accordance with instructions applicable thereto. Forms shall be submitted not later than 90 days after the effective date of the regulations in this part, if employed on or before that effective date or 30 days after his entrance on duty, but not earlier than 90 days after the effective date if appointed after the effective date.

- (1) Chief Legal Counsels to the Commission Members;
- (2) Chief Judge;
- (3) Executive Secretary;
- (4) Chief Review Counsel;
- (5) Director of Management Systems;
- (6) Director of Information and Publications;
- (7) Director of Personnel;
- (8) Administrative Officer;
- (9) Executive Director;
- (10) Budget and Fiscal Officer;
- (11) Administrative Law Judges, as defined by § 930.202(c) of the Civil Service Commission regulations (5 CFR 930.202(c));
- (12) Counsel to the Commission;
- (13) Any person designated to act in the stead of any of the above or who automatically serves in the absence of any of the above.
- (14) Staff Attorney-Advisors at grade GS-13 and above.

(b) Additions to, deletions from, and other amendments of the list of positions in this section may be made from time to time as necessary to carry out the purpose of the law, Executive Order

11222, and part 735 of the Civil Service Commission regulations (5 CFR part 735). Such amendments are effective upon clearance by the Chairman and actual notification to the incumbents. The amended list shall be submitted annually for publication in the FEDERAL REGISTER.

(c) Any employee who believes that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests shall have the opportunity for review of such inclusion by requesting the same by filing a written statement with the Chairman.

§ 2202.18 Supplementary statements, regular employees.

Changes in, or additions to the information contained in the regular employee's statement of employment and financial interest shall be reported in a supplementary statement as of September 30 each year. If there are no changes or additions, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest laws or subpart C of this part.

§ 2202.19 Special Government employees required to submit statements.

(a) Before an individual enters on duty as a special Government employee, expert or consultant he is required to submit a statement of employment and financial interests to the Chairman on forms approved by the Chairman and furnished to the individual. Such forms must be completed in accordance with the instructions applicable thereto. This requirement applies to all other special Government employee positions unless the Chairman determines prior to appointment that the duties of the position are of such a level of responsibility that the submission of the statement is not necessary to protect the integrity of the Government. For the purpose of this section, "consultant" and "expert" shall be given these terms by chapter 304 of the Federal Personnel Manual.